

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Mark Kendrick,

Plaintiff,

v.

Case No. 1:22-cv-00170

Annette Chamber-Smith, et al.,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation ("R&R"). (Doc. 7).

Plaintiff received proper notice under 28 U.S.C. § 636(b)(1)(C), including notice that he would waive further appeal if he failed to file objections to the R&R in a timely manner. (Doc. 7 PageID 60-61); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court has not received objections to the R&R, and the time to file any objections has passed. *See* S.D. Ohio Civ. R. 7.2(a)(2).

In light of the foregoing, it is hereby **ORDERED** that the R&R (Doc. 7) is **ADOPTED in full**. Consistent with the R&R, it is **ORDERED** that the Complaint is **DISMISSED** with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B), **WITH THE EXCEPTION** of his First and Eighth Amendment claims against the two John Doe correctional officers and his First Amendment legal mail claim against Defendant Erdos, and those claims shall move forward.¹ The Court further **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and

¹ The Court reminds Plaintiff that he must file a motion to issue service, including United States Marshal and summons forms, if and when he discovers the identity of the two John Doe Defendants through discovery. (Doc. 7 PageID 59-60).

therefore **DENIES** Plaintiff leave to appeal in forma pauperis.

IT IS SO ORDERED.

/s Michael R. Barrett
Michael R. Barrett, Judge
United States District Court